

UNITED STATES DISTRICT COURT

Southern

District of

New York

Picture Patents, LLC

SUMMONS IN A CIVIL ACTION

V.

Aeropostale, Inc.
Dick's Sporting Goods, Inc.
Charlotte Russe, Inc.
GSI Commerce Solutions, Inc.
Fogdog, Inc.
National Basketball Association, Inc.
NBA Properties, Inc.
NBA Media Ventures, LLC
Major League Baseball Properties, Inc.
MLB Advanced Media, L.P.
Linens 'n Things, Inc.
Tweeter Home Entertainment Group, Inc.
Tweeter Newco, LLC
Tweeter Opco, LLC
Buy.com, Inc.

CASE NUMBER: 07cv5567

TO: NBA Properties, Inc.
Olympic Tower
645 5th Avenue
New York, NY 10022

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY

Thomas J. Parker
Alston & Bird LLP
90 Park Avenue
New York, NY 10016

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

FEB 13 2008

CLERK

DATE

(By) DEPUTY CLERK

OAO 440 (Rev. 8/0 1) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me(1)	DATE
NAME OF SERVER (<i>PRINT</i>)	TITLE

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served:

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:

☐ Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
PICTURE PATENTS, LLC,
Plaintiff(s),

Index No. 07CV5567

-against-

AFFIDAVIT OF SERVICE

AEROPOSTALE, INC., et al.,
Defendant(s).
-----X

STATE OF NEW YORK)
S.S.:
COUNTY OF NEW YORK)

HECTOR FIGUEROA, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 19th day of February 2008, at approximately 3:00 p.m., deponent served a true copy of the **SUMMONS, SECOND AMENDED COMPLAINT JURY TRIAL DEMAND AND JUDGES' RULES** upon NBA Properties, Inc. at Olympic Tower at 645 Fifth Avenue, New York, NY 10022, by personally delivering and leaving the same with Jamin Dershowitz, Assistant General Counsel, who informed deponent that he is an agent authorized by appointment to receive service at that address.

Jamin Dershowitz is a white male, approximately 40 years of age, stands approximately 5 feet 6 inches tall and weighs approximately 140 pounds with brown hair and light eyes wearing glasses.


HECTOR FIGUEROA #870141

Sworn to before me this
22nd day of February, 2008


NOTARY PUBLIC

JONATHAN T. RIPPS
Notary Public, State of New York
NO. 01RI6109718
Qualified in Rockland County
Certificate Filed in New York County
Commission Expires May 17, 2008 